

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

FILED: 7/17/08

JOSEPH KOURY,

Plaintiff,

v.

XCELLENCE, INC. d/b/a XACT,

Defendant.

CIVIL ACTION

Civil Action No. 08 cv 5409 (SAS)

ORDER

THIS MATTER having been presented to the Court by Baker Botts L.L.P., counsel for Plaintiff Joseph Koury, for an order setting forth certain deadlines, and counsel for Defendant Xcellence, Inc. d/b/a Xact having indicated that they consent, and it appearing that:

1. Defendant sent Plaintiff a pre-motion letter on July 1, 2008, and filed a Motion to Dismiss the Complaint on July 2, 2008, and thus, Plaintiff's opposition is due July 17, 2008;
2. Plaintiff will be filing an Amended Complaint as a matter of course pursuant to Federal Rule of Civil Procedure 15(a)(1)(A) as Defendant has not yet filed a responsive pleading in this matter; and
3. The parties have consented to certain filing deadlines.

IT IS on this 17 day of July, 2008 hereby

ORDERED that:

1. Plaintiff shall file his Amended Complaint no later than August 13, 2008;
2. Once the Amended Complaint is filed, Defendant's Motion to Dismiss filed on July 2, 2008, shall become moot; and
3. Defendant shall answer or otherwise respond to the Amended Complaint no later than September 10, 2008; and it is

FURTHER ORDERED that a copy of this Order shall be served on all counsel of record within five (5) days of receipt, unless electronically served by the Court.



THE HONORABLE SHIRA A. SCHEINDLIN, U.S.D.J.